

House Study Bill 711

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the recovery of restitution for damages
2 covered by insurance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6596YC 80
5 rh/gg/14

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1 1 Section 1. Section 910.1, subsections 3 and 5, Code
1 2 Supplement 2003, are amended to read as follows:
1 3 3. "Pecuniary damages" means all damages ~~to the extent not~~
~~1 4 paid by an insurer,~~ which a victim could recover against the
1 5 offender in a civil action arising out of the same facts or
1 6 event, except punitive damages and damages for pain,
1 7 suffering, mental anguish, and loss of consortium. Without
1 8 limitation, "pecuniary damages" includes damages for wrongful
1 9 death and expenses incurred for psychiatric or psychological
1 10 services or counseling or other counseling for the victim
1 11 which became necessary as a direct result of the criminal
1 12 activity.
1 13 5. "Victim" means a person who has suffered pecuniary
1 14 damages as a result of the offender's criminal activities.
1 15 ~~However, for purposes of this chapter, an insurer is not a~~
~~1 16 victim and does not have a right of subrogation.~~ The crime
1 17 victim compensation program is not an insurer for purposes of
1 18 this chapter, and the right of subrogation provided by section
1 19 915.92 does not prohibit restitution to the crime victim
1 20 compensation program.

EXPLANATION

1 21 This bill allows a victim to recover restitution for
1 22 damages covered by insurance.
1 23 LSB 6596YC 80
1 24 rh/gg/14
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